

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES I. TONEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:03-CV-416 CAS
	)	
LARRY ROWLEY,	)	
	)	
Respondent.	)	

**ORDER**

This matter is before the Court on state prisoner James Toney's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Audrey G. Fleissig for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On August 15, 2006, Judge Fleissig filed a Report and Recommendation of United States Magistrate Judge which recommended that Toney's petition for writ of habeas corpus be denied and that a Certificate of Appealability be denied. On August 24, 2006, Judge Fleissig filed a Supplemental Report and Recommendation. Toney sought and was granted additional time to file objections, but no objections were filed to the Magistrate Judge's Report and Recommendation or Supplemental Report and Recommendation within the time permitted.

After careful review of the record, the Court concurs with the recommendation of the Magistrate Judge.

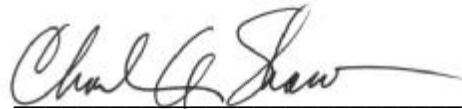
Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation and Supplemental Report and Recommendation of United States Magistrate Judge are **sustained, adopted** and **incorporated** herein. [Docs. 23, 26]

**IT IS FURTHER ORDERED** that James Toney's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 4]

**IT IS FURTHER ORDERED** that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink. The signature is positioned above a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 29th day of September, 2006.